

January 26, 2005

**OFFICE OF THE HEARING EXAMINER  
KING COUNTY, WASHINGTON**

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Seattle, Washington 98104  
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**REPORT AND DECISION**

SUBJECT: Department of Development and Environmental Services File No. **E9900495**

**CLAY & VICKI BROWN**  
Code Enforcement Appeal

Location: 10716 – 18th Avenue Southwest

Appellant: **Clay D. and Vicki L. Brown**  
10716 – 18th Avenue Southwest  
Seattle, Washington 98146-2028  
Telephone: (206) 246-6719

King County: Department of Development and Environmental Services,  
*represented by Sheryl Lux*  
900 Oakesdale Avenue Southwest  
Renton, Washington 98055-1219  
Telephone: (206) 205-1525  
Facsimile: (206) 296-6604

**SUMMARY OF DECISION/RECOMMENDATION:**

Department's Preliminary Recommendation:	Deny appeal and extend time for compliance
Department's Final Recommendation:	Deny appeal and extend time for compliance
Examiner's Decision:	Deny appeal and extend date for compliance

**ISSUES/TOPICS ADDRESSED:**

- Construction without permits

**SUMMARY OF DECISION:**

Code enforcement notice and order is affirmed and extension of time granted.

**EXAMINER PROCEEDINGS:**

Hearing Opened:	January 25, 2005
Hearing Closed:	January 25, 2005

Participants at the public hearing and the exhibits offered and entered are listed in the attached minutes. A verbatim recording of the hearing is available in the office of the King County Hearing Examiner.

**FINDINGS, CONCLUSIONS & DECISION:** Having reviewed the record in this matter, the Examiner now makes and enters the following:

**FINDINGS:**

1. On December 3, 2004, the King County Department of Development and Environmental Services issued a notice of King County code violation; civil penalty order; abatement order; notice of lien; duty to notify (“notice and order”) to Clay and Vicki Brown. The property subject to the notice and order is located at 10716 – 18<sup>th</sup> Avenue SW in unincorporated King County. Clay and Vicki Brown are the owners of the subject property and resides thereon..
2. The notice and order alleged violations of the King County Code by constructing a garage/carport and a second story addition to the residence on the subject property without required permits, inspections and approvals, in violation of various specified sections of the King County Code and International Building Code. At the time that the violations occurred, the Uniform Building Code was in effect in King County. The provisions of the Uniform Building Code that relate to this violation are substantially the same as the applicable provisions of the International Building Code now in effect.
3. A timely appeal of the notice and order was filed on December 20, 2004. The statement of appeal alleges extenuating medical circumstances and a lack of knowledge that permits were required for the repairs and improvements made to the subject property.
4. The Appellants previously submitted an application for a building permit for the improvements which are the subject of this proceeding. However, the form and substance of the application were insufficient under the King County Code and Uniform Building Code. Appellants failed to provide additional information as requested by the Department of Development and Environmental Services. That permit application was canceled by DDES on March 13, 2003.
5. The Appellants have requested a new pre-application meeting for a construction permit for the improvements in issue, and that meeting with DDES is scheduled to occur on February 2, 2005. The Appellants state that they are presently in a better position to pursue the permit, and intend to do so expeditiously.
6. The Department of Development and Environmental Services recommends an extension of time to reasonably enable the Appellants to complete the application process, provided that a complete application for construction permit is submitted within 60 days of the pre-application meeting, and that the permitting process, including final inspections and corrections, be completed prior to expiration of the construction permit (one year from the date of issuance of the permit).

**CONCLUSIONS:**

1. Improvements were constructed upon the subject property without necessary permits and inspections, in violation of the King County Code and the Uniform Building Code.

2. The property owners are endeavoring in good faith to cure these violations, by applying for necessary permits. The scheduling of the pre-application conference on February 2, 2005 is a demonstration of the Appellants' good faith effort.
3. Sixty days is a reasonable period of time to allow the Appellants to complete the documents, plans and other forms necessary for a complete building permit application, and to submit the complete application to the Department of Development and Environmental Services.
4. One year from the date of issuance of the permit is a reasonable period of time to allow for completion of any additional construction, final inspections and corrections to be made pursuant to a permit for the improvements in issue.

DECISION:

The appeal of Clay and Vicki Brown of the notice and order issued December 3, 2004 is DENIED; provided, however, that the violations alleged in the notice and order may be cured by completing the application process for a construction permit for the improvements in issue, and completing the construction, inspections and corrections prior to expiration of the building permit.

In the event a complete building permit application is not submitted on or before April 4, 2005, or a construction permit is not issued for the improvements on the subject property, or the construction process (including all inspections and required corrections) is not completed prior to the expiration of the building permit, the penalty set forth in the notice and order shall commence to accrue on either April 5, 2005, or the date immediately following the day on which the application for a building permit is denied or canceled, or the date immediately following expiration of the construction permit, whichever is applicable.

ORDERED this 26th day of January, 2005.

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James N. O'Connor  
King County Hearing Examiner *pro tem*

TRANSMITTED via certified mail this 26th day of January, 2005, to the following:

Clay & Vicki Brown  
10716 - 18th Avenue Southwest  
Seattle, Washington 98146-2028

TRANSMITTED this 26th day of January, 2005, to the following parties and interested persons of record:

Clay & Vicki Brown  
10716 - 18th Ave. SW  
Seattle WA 98146-2028

Suzanne Chan  
DDES, Code Enf.  
MS OAK-DE-0100

Elizabeth Deraitus  
DDES/LUSD  
Code Enf. Supvr.  
MS OAK-DE-0100

Sheryl Lux  
DDES/LUSD  
Code Enforcement  
MS OAK-DE-0100

Patricia Malone  
DDES/LUSD  
Code Enf. Section  
MS OAK-DE-0100

### NOTICE OF RIGHT TO APPEAL

Pursuant to Chapter 20.24, King County Code, the King County Council has directed that the Examiner make the final decision on behalf of the County regarding code enforcement appeals. The Examiner's decision shall be final and conclusive unless proceedings for review of the decision are properly commenced in Superior Court within twenty-one (21) days of issuance of the Examiner's decision. (The Land Use Petition Act defines the date on which a land use decision is issued by the Hearing Examiner as three days after a written decision is mailed.)

### MINUTES OF THE JANUARY 25, 2005, PUBLIC HEARING ON DEPARTMENT OF DEVELOPMENT AND ENVIRONMENTAL SERVICES FILE NO. E99000495.

James N. O'Connor was the Hearing Examiner in this matter. Participating in the hearing was Sheryl Lux, presenting the Department; and Clay Brown, the Appellant.

The following Exhibits were offered and entered into the record:

- Exhibit No. 1 Staff report to the Hearing Examiner
- Exhibit No. 2 Copy of the Notice & Order issued December 3, 2004
- Exhibit No. 3 Copy of the Appeal received December 20, 2004
- Exhibit No. 4 Copies of codes cited in the Notice & Order
- Exhibit No. 5 Copies of the first page of comments from case E9900495
- Exhibit No. 6a Copy of comments for permit application B00M0294
  - 6b Copy of the construction permit for B00M0294
  - 6c Copy of the Affidavit for Application
- Exhibit No. 7 Copy of 1993, 1999 (City of Seattle) and 2002 aerials (King County) of the property from GIS

JNOC:gao  
E0400540 RPT